

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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DAISY MONTICH, individually and on behalf  
of all other similarly situated,

Plaintiff,

v.

MIELE USA, INC.,

Defendant.

Civil Action No. 3:11-cv-02725-FLW-DEA

TO: James E. Cecchi, Esquire  
Carella, Byrne, Cecchi,  
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*Attorneys for Plaintiff*

**PLEASE TAKE NOTICE** that on September 19, 2011 at 10:00 am, or as soon thereafter as counsel may be heard, the undersigned attorney for Defendant, Miele USA, Inc. ("Defendant"), shall move before the Honorable Freda L. Wolfson, United States District Judge, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for an Order Dismissing Plaintiff's Putative Class Action Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

**PLEASE TAKE FURTHER NOTICE** that the undersigned will rely upon the accompanying Brief in Support of Motion and Certification of Counsel (with attached exhibits).

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

A proposed form of Order is attached.

DATED: August 18, 2011

Respectfully submitted,

/s/ John B. Kearney

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